

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of S.L.A., S.Y.A.M., K.J.H.A.,
T.S.A., and R.A., Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

YULONDA MALLET,

Respondent-Appellant,

and

JULIAN ANDERSON and STEVE AUSTIN,

Respondents.

UNPUBLISHED
September 17, 2002

No. 235701
Ingham Circuit Court
Family Division
LC No. 00-036442-NA

Before: Whitbeck, C.J., and Sawyer and Kelly, JJ.

MEMORANDUM.

Respondent appeals as of right the trial court's order terminating her parental rights to her children pursuant to MCL 712A.19b(3)(g) and (j).¹ We affirm.

We review a trial court's decision to terminate parental rights for clear error. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999). If the trial court determines that the petitioner has proven by clear and convincing evidence the existence of one or more statutory grounds for termination, the court must terminate parental rights unless it finds from evidence on the whole record that termination is clearly not in the child's best interests. MCL

¹ The trial court's order also terminated the parental rights of respondent Julian Anderson, the father of S.L.A., S.Y.A.M., and K.J.H.A., and respondent Steve Austin, the father of T.S.A. and R.A. Respondents Anderson and Austin have not appealed the order.

712A.19b(5); *In re Trejo*, 462 Mich 341, 353-354; 612 NW2d 407 (2000). We review the trial court's decision regarding the child's best interests for clear error. *Id.*, 356-357.

We hold the trial court did not clearly err in finding that petitioner established by clear and convincing evidence the existence of one or more statutory grounds for the termination of respondent's parental rights. Petitioner sought custody of the children after respondent left them with their grandmother and did not return for them as promised. The evidence produced at the permanent custody hearing established that respondent made very little effort to comply with the parent-agency agreement. Respondent's assertion that she was denied due process because her attorney and petitioner failed to reasonably and effectively apprise her of alternatives to the termination process is without merit. Respondent has made no showing that any additional or different advice given to her would have resulted in a different outcome.

The trial court did not clearly err in finding that termination of respondent's parental rights was warranted on the grounds that respondent failed to provide proper care or custody for the children and could not be expected to do so within a reasonable time, MCL 712A.19b(3)(g), and that it was reasonably likely that the children would be harmed if they were returned to respondent's care, MCL 712A.19b(3)(j). The evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5).

Affirmed.

/s/ William C. Whitbeck

/s/ David H. Sawyer

/s/ Kirsten Frank Kelly